

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:

MARIA ASUSENNA JIMENEZ
GILBERTO ROMERO JIMENEZ
4601 Peterson Rd
Amarillo, TX 79118

CASE NO: 15-20253
HEARING DATE: 4/6/2017
HEARING TIME: 11:00 AM

TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION

NOW COMES Robert B. Wilson, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification in accordance with Bankruptcy Rule 3007 and General Order 2016-01 and would respectively show unto the Court as follows:

**I.
OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtors. No Proof of Claim has been filed by them or on their behalf as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

TT Clm#	Creditor Name	Scheduled Amount	TT Clm#	Creditor Name	Scheduled Amount
8	BANK OF AMERICA	\$15,999.00	10	CMRE Financial	\$230.00
15	LTD Financial Service	\$504.00			

**II.
SPECIFIC OBJECTIONS**

None

**III.
TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

TT Claim#	Creditor	Collateral / Description	Claimed Amt	Value	Mo Pmt	%
SECURED CREDITORS						
9	SENECA MORTGAGE SERVICING LLC	4601 PETERSON, AMARILLO, TX	\$176,478.19	\$105,748.00	\$0.00	Paid Direct
19	SENECA MORTGAGE SERVICING LLC	MORTGAGE ARREARS	\$69,667.04	\$105,748.00	\$1,214.00	0.00% See Trustee's Modification below
	<i>Payment to creditor is increased</i>					
TT Claim#	Creditor	Collateral / Description	Claimed Amt			
UNSECURED CREDITORS						
11	MIDLAND CREDIT MANAGEMENT	PURCHASES/CITIFINANCIAL	\$910.75		\$0.00	
14	HYUNDAI CAPITAL AMERICA DBA KIA MOTORS FINANCE	PURCHASE -KIA MOTORS	\$7,685.62		\$0.00	
21	MIDLAND CREDIT MANAGEMENT	PURCHASES/GE MONEY BANK	\$0.00		\$0.00	Disallowed

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If the Trustee's recommendation concerning any claim differs from the amount indicated in a Creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely response or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtors that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtors' Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected Creditor in the absence of a Letter Agreement between the Debtors and the affected Creditor.

IV.
TRUSTEE'S PLAN MODIFICATION

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2016-01 Section 8, the Trustee requests the following Modification of Debtors' Confirmed Plan, subject to feasibility herein:

The \$69,667.04 arrears portion of Seneca Mortgage's \$176,478.19 secured mortgage claim, clerk's claim #4, shall be paid \$1,214.00 per month beginning 5-2017 to pay claim within the remaining term of the plan. Beginning 5-2017 debtors' monthly plan payment is increased to \$1,349.00 for an increased plan base of \$80,058.00, to pay claims and administrative expense in the remaining term of the plan.

NOTICE OF HEARING AND PRE-HEARING CONFERENCE

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 4/6/2017 AT 11:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION AT THE FOLLOWING LOCATION:

VIDEO: 205 SOUTHEAST 5TH AVE, ROOM 309 AND 310, AMARILLO, TX 79101

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT OFFICE OF THE TRUSTEE, 1800 S WASHINGTON ST STE 200F, AMARILLO, TX 79101 ON 4/6/2017 at 8:30 AM.

ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PREHEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL AFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2016-01 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION was served on the following parties electronically or at the addresses listed below by U.S. First Class mail.

BANK OF AMERICA, PO BOX 53137, PHOENIX, AZ 85072
BUCKLEY MADOLE, P.C., for Seneca Mortgage Servicing, PO Box 9013, Addison, TX 75001
CMRE Financial, 3075 E. Imperial Hwy #200, Brea, CA 92821
HYUNDAI CAPITAL AMERICA DBA KIA MOTORS FINANCE, PO BOX 20285, FOUNTAIN VALLEY, CA 92728
Internal Revenue Service*, Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
INTERNAL REVENUE SERVICE, PO BOX 7317, PHILADELPHIA, PA 19101-7317
INTERNAL REVENUE SERVICE, PO BOX 7346, PHILADELPHIA, PA 19101-7346

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LTD Financial Service, 7322 S.W. Freeway Ste. 1600, Houston, TX 77074

MARIA ASUSENNA JIMENEZ, GILBERTO ROMERO JIMENEZ, 4601 Peterson Rd, Amarillo, TX 79118

MIDLAND CREDIT MANAGEMENT, AS AGENT FOR MIDLAND FUNDING, PO BOX 2011, WARREN, MI 48090

SENECA MORTGAGE SERVICING LLC, ATTN BANKRUPTCY DEPARTMENT, 611 JAMISON ROAD, ELMA, NY 14059

SHAPIRO SCHWARTZ LLP, 13105 NORTHWEST FREEWAY, SUITE 1200, HOUSTON, TX 77040

SWINDELL & ASSOCIATES PC, ATTORNEY AT LAW, 1105 S TAYLOR, AMARILLO, TX 79101

US ATTORNEY GENERAL, MAIN JUSTICE BLDG, ROOM 5111, 10TH ST & CONSTITUTION AVE, WASHINGTON, DC 20530

US ATTORNEY, 500 S TAYLOR SUITE 300, LOBBY BOX 238, AMARILLO, TX 79101-2442

US Attorney, Amarillo National Plaza, 500 S. Taylor Ste. 300, LB 238, Amarillo, TX 79101

WILLIAM T NEARY, UNITED STATES TRUSTEE, 1100 COMMERCE STREET RM 976, DALLAS, TX 75242

Date: 02/03/2017

/s/ Robert B. Wilson

Robert B. Wilson, Chapter 13 Trustee